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Hearing Date: August 26, 2015  
Hearing Time: 10:00 AM (EST)  
Objection Deadline: July 29, 2015

*Attorneys for Irving H. Picard, Trustee for the  
Substantively Consolidated SIPA Liquidation  
of Bernard L. Madoff Investment Securities LLC  
and the Estate of Bernard L. Madoff*

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

Adv. Pro. No. 08-01789 (SMB)

SIPA Liquidation

(Substantively Consolidated)

**NOTICE OF TRUSTEE'S MOTION AND MEMORANDUM TO AFFIRM HIS  
DETERMINATIONS DENYING CLAIMS OF CLAIMANTS HOLDING INTERESTS IN  
THE WHITMAN PARTNERSHIP, THE LUCKY COMPANY, THE PETITO  
INVESTMENT GROUP, AND THE HARWOOD FAMILY PARTNERSHIP**

**PLEASE TAKE NOTICE** that Irving H. Picard, as trustee (“Trustee”) for the substantively consolidated liquidation of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act, 15 U.S.C. § 78aaa *et seq.* (“SIPA”),<sup>1</sup> and the estate of Bernard L. Madoff (“Madoff”), respectfully moves pursuant to Trustee’s Motion And Memorandum To Affirm His Determinations Denying Claims of Claimants Holding Interests In The Whitman Partnership, The Lucky Company, The Petito Investment Group, and The Harwood Family Partnership (the “Motion”), the declarations of Stephanie Ackerman and Vineet Sehgal, and the exhibits attached thereto, for an order affirming the Trustee’s denial of the claims of Objecting Claimants who asserted claims based upon their investments in the Whitman Partnership, the Lucky Company, the Petito Investment Group, and the Harwood Family Partnership (collectively, the “Partnerships”), expunging such claims, and overruling certain objections to the Trustee’s determinations of their claims, on the grounds that the Objecting Claimants are not “customers” as such term is used at SIPA § 78lll(2). No other basis for claim denial other than the “customer” issue will be dealt with in the current Motion.

**PLEASE TAKE FURTHER NOTICE** that written objections to the Motion and any opposing affidavits must be filed with the Clerk of the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 by no later than 4:00 p.m., on July 29, 2015 (with a courtesy copy delivered to the Chambers of the Honorable Stuart M. Bernstein) and must be served upon (a) Baker & Hostetler, LLP, counsel for the Trustee, 45 Rockefeller Plaza, New York, New York 10111, Attn: David J. Sheehan, Esq. and (b) the Securities Investor Protection Corporation, 805 Fifteenth Street, NW, Suite 800, Washington, DC 20005, Attn: Kevin H. Bell, Esq. and Nathanael Kelley, Esq. so as to be

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<sup>1</sup> See 15 U.S.C. § 78aaa *et seq.* (West 2009). For convenience, subsequent references to sections of the Securities Investor Protection Act shall be denoted simply as “SIPA § \_\_\_\_.”

received on or before July 29, 2015. Any objection must specifically state the interest that the objecting party has in these proceedings and the basis of the objection to the Motion.

**PLEASE TAKE FURTHER NOTICE** that a hearing on this Motion is scheduled for August 26, 2015, at 10:00 a.m. before the Honorable Stuart M. Bernstein, United States Bankruptcy Judge, at the United States Bankruptcy Court, the Alexander Hamilton Customs House, One Bowling Green, New York, New York 10004 or such other time as the Court determines. However, if no objection to the Motion is filed and served in accordance with the requirements of this notice, the Court may enter an order granting the requested relief without holding a hearing under Local Bankruptcy Rule 9075-2.

**PLEASE TAKE FURTHER NOTICE** that Notice of the Motion will be provided by U.S. Mail, postage prepaid or email to (i) claimants listed in Exhibit 2 annexed to the supporting Declaration of Vineet Sehgal; (ii) all parties included in the Master Service List as defined in the Order Establishing Notice Procedures, ECF No. 4560; (iii) all parties that have filed a notice of appearance in this case; (iv) the SEC; (v) the IRS; (vi) the United States Attorney for the Southern District of New York; and (vii) SIPC, pursuant to the Order Establishing Notice Procedures, ECF No. 4560. The Trustee submits that no other or further notice is required. In addition, the Trustee's pleadings filed in accordance with the schedule outlined above will be posted to the Trustee's website [www.madofftrustee.com](http://www.madofftrustee.com) and are accessible, without charge, from that site. Exhibits 4-20 to the supporting Declaration of Vineet Sehgal, and Exhibits 1-10 to the supporting Declaration of Stephanie Ackerman, will be available for review upon written or telephonic request to Baker & Hostetler LLP, 45 Rockefeller Plaza, New York, NY 10111, Attn: Stephanie Ackerman., Tel: (212) 847-5851, Email: [sackerman@bakerlaw.com](mailto:sackerman@bakerlaw.com).

Dated: New York, New York  
July 16, 2015

Respectfully submitted,  
/s/ David J. Sheehan

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